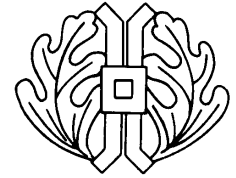


PREVENTIVE LAW SERIES

ARTICLE 139 CLAIMS



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WHAT IS AN ARTICLE 139 CLAIM?

Article 139 of the Uniform Code of Military Justice provides compensation for private property lost or damaged by the riotous, willful, or wanton acts of members of the naval service not within the scope employment or the wrongful taking of property by a member of the naval service. Article 139 claims are unique in that they provide for the checkage of the military pay of the members responsible for the property damage.

WHAT TYPE OF DAMAGE IS COVERED?

Article 139 claims are limited in their scope and only covers loss, or destruction of real or personal property. Simple negligence by a military member is also not recoverable under Article 139. The actions of the military member must reach a level beyond that of simple negligence, such as willful or reckless misconduct.

MEASURE OF DAMAGES

The general rule is that the amount of recovery is limited to only the direct physical damage caused by the servicemember.

CHARGE AGAINST PAY

The maximum amount that may be approved by an officer exercising general court-martial jurisdiction under Article 139 is \$5,000 per offender, per incident. Where there is a valid claim for over \$5,000, the claim shall be forwarded to the Office of the Judge Advocate General.

STATUTE OF LIMITATIONS

Claims must be submitted within 90 days of the incident upon which the claim is based

HOW TO FILE A CLAIM

A written claim must be submitted to the Commanding Officer of the alleged offender. If there is more than one complaint from the same incident each claimant must submit a separate claim. The Command will investigate the claim and make a determination on the merits of the claim and the amount of damages. The alleged offender has the right to see the investigation report and to submit a statement or additional information. The Commanding Officer's action on the investigation are then forwarded to the general court-martial authority for the command, who will direct the Commanding Officer to act accordingly. If a military member is judged liable for damage they have 5 days to file an appeal.